

FredMeyer



4.2 Sexual Harassment & Other Forms of Harassment

(04/01)

Statement

This policy is identical to *The Kroger Co. Policy Concerning Sexual Harassment and Other Forms of Harassment*.

Scope

This policy applies to all Fred Meyer Stores employees.

Policy owner

Route all policy questions and suggested updates to the Group Vice President, Human Resources.

Violation of this policy

Proven sexual harassment, or harassment because of an individual's race, color, religion, gender, national origin, age, disability or sexual orientation will result in discipline up to and including discharge.

Philosophy

Fred Meyer is committed to a workplace free from unlawful discrimination, which includes sexual harassment and other forms of harassment because of one's race, color, religion, gender, national origin, age, disability or sexual orientation.

Any form of harassment undermines the company's insistence upon employee integrity, and is considered serious misconduct. No employee, either male or female, should be subjected to offensive conduct or innuendo, either verbal or physical, from co-workers, supervisors, customers or vendors.

All employees have a responsibility to maintain the workplace free of harassment and to report such misconduct when it occurs, just as any form of unlawful discrimination should be reported.

FredMeyer**What is sexual harassment?**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical if:

- ◆ submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment,
- ◆ submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- ◆ such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment

Examples of sexual harassment include but are not limited to the following:

- ◆ Conditioning promotion, demotion, performance evaluations and the like upon submission to sexual favors.
- ◆ Touching that is unwanted, uninvited or offensive
- ◆ Displaying sexually suggestive or explicit material, pictures or cartoons.
- ◆ Relating sexually suggestive or explicit stories or "jokes."
- ◆ Making sexually suggestive or explicit gestures.

What are other forms of harassment?

Harassment because of one's race, color, religion, gender, national origin, age, disability or sexual orientation is defined as verbal or physical conduct that:

- ◆ denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability or sexual orientation, or that of the individual's relatives, friends or associates, and
- ◆ has the purpose or effect of creating an offensive work environment, unreasonably interferes with an individual's work performance, or otherwise adversely affects an individual's work performance.

FredMeyer**Examples of other forms of harassment**

Examples of such harassment include but are not limited to the following:

- ◆ Making derogatory ethnic or racial statements, or belittling one's religion or religious practices.
- ◆ Perpetuating stereotypes about one's age, gender, etc. ("You're too old to change your ways," "This is women's work.")
- ◆ Refusing to assist an employee or customer because of his/her race, gender, etc.
- ◆ Disparaging the sexual orientation of an employee, his/her associates, or a customer.

Reporting a complaint

If you believe that you are being sexually harassed by a co-worker, supervisor, customer or vendor, or if you believe you are being harassed by a co-worker, supervisor, customer or vendor because of your race, color, religion, gender, national origin, age, disability or sexual orientation, you should take these steps:

| Step | Action |
|------|--|
| 1 | Firmly and clearly tell the person who is harassing you that his or her behavior is unwelcome and should stop at once. If possible, take a witness to this discussion. |
| 2 | Write a statement about the incident and what you did to stop it, including dates, times and places. This statement will be helpful if the harassment continues and the company needs to investigate. Note: If you are uncomfortable with telling the person who is harassing you to stop, then proceed to the reporting procedure below. |
| 3 | Report the incident to your immediate supervisor, another member of management, any person in the Human Resources Department, the President, General Manager, Distribution Manager or call the Kroger Helpline at 1-800-689-4609; TDD, 1-877-673-6803. Your report should be as specific as possible, including: <ul style="list-style-type: none"> ◆ the name of the person who is harassing you ◆ a description of the conduct ◆ the effect that conduct is having on your working conditions and work performance ◆ the names of any witnesses who could assist in the investigation. |

FredMeyer**Investigating a complaint**

All claims of harassment will be investigated promptly and will be handled professionally and as confidentially as circumstances permit. Your further participation in the investigation may be necessary, and you will be informed of the outcome. The Company will not tolerate reprisals or retaliation against persons reporting alleged harassment or anyone participating in the investigation of the alleged harassment.

FredMeyer**4.3 Alcohol and Drug Use**

(3/05)

Statement

Fred Meyer is committed to providing an environment that encourages associates to develop their abilities, use their full potential and to share ideas to further the success of the business. Part of that commitment requires the Company to provide a safe, productive work environment free from the potential harmful effects of alcohol and drugs. To that end, the Company has developed a policy regarding the use of alcohol and drugs and offers training for management personnel. Implementation of the policy and the required procedures for management personnel are discussed on the following pages.

Scope

This policy applies to all Fred Meyer Stores associates.

Effective date

This policy is effective immediately and supersedes any previous policies.

Policy owner

Route all policy questions and suggested updates to the Group Vice President of Human Resources.

Violations of this policy

Associates who violate this policy will be subject to disciplinary action up to and including termination.

Associate responsibilities

Associates using over-the-counter or prescription medications that contain warnings or precautions must inform their supervisors before their next shift so any safety issues can be addressed. In addition, if an associate suspects a visitor, vendor, Customer, or independent contractor of being under the influence of alcohol or drugs on Fred Meyer premises, (s)he should contact security immediately.

Fred Meyer**Testing**

As a condition of employment, the Company may require that an applicant tentatively selected for employment be required to submit to urinalysis to screen for illegal drug use prior to appointment or hire. New applicants will be notified that Fred Meyer offers employment contingent upon a negative drug screen. Associates, who are expected to transfer to a department or position that requires substance abuse testing, will be asked to submit to a drug test and must produce a negative test result prior to the shift.

In addition, Fred Meyer shall have the right at its discretion to require any associate involved in any of the following situations to submit him or herself to a urinalysis or other generally-accepted test for drug controlled substance and/or alcohol use:

- ◆ Transferring from one section to another
- ◆ Department of Transportation (DOT) physical exams
- ◆ Acting in a manner that suggests drug and/or alcohol involvement or in cases when the employer has reasonable grounds to believe the associate is under the influence of alcohol or drugs
- ◆ Being involved in an on-the-job accident that results in time loss, personal injury, damage to Company property and/or involves a violation of a safety policy or procedure
- ◆ Being in a position that requires substance abuse testing as part of a federal or state statute or regulation

FredMeyer**Unacceptable actions**

In an effort to provide a safe and productive work environment and to reduce the possibility of loss caused by an unsafe act or condition, ***the following actions are prohibited and may be grounds for disciplinary action up to and including termination:***

- ◆ The use, consumption, sale, transfer or possession of alcohol and/or drugs or controlled substances on any Company premises, work sites, or facilities (including Company vehicles).
- ◆ Being at work under the influence of alcohol and/or drugs or controlled substances. "Under the influence" is defined to include the smell of alcohol on his or her breath, being unable to perform work in a safe and productive manner, being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other associates, the public, or Company property; *and/or* having any detectable levels, in excess of a trace of alcohol and/or drugs or controlled substances in the body.
- ◆ Failing to notify the supervisor prior to beginning work that (s)he is on medication that may affect the work performance or the safety of the associate or others. Depending upon label warnings or cautions by a physician or pharmacist, the associate may be temporarily reassigned, put back to work, or sent home.
- ◆ Refusing to submit to a search or inspection of his or her personal property located on Company premises, work sites or facilities, including but not limited to items of clothing, lockers, and vehicles in Company parking lots *and/or* refusing to submit to medical testing, including but not limited to giving urine specimens.
- ◆ Using Company property or the associate's position within the Company to make, store, obtain, or distribute alcohol or illegal drugs.
- ◆ Refusing to sign authorization forms giving the Company permission to conduct alcohol and drug tests and search personal property located on Company premises, work sites, or facilities.

Fred Meyer**Employer obligations**

Fred Meyer (the employer) shall bear all costs and expenses of these tests and such tests shall be performed by a licensed lab using set standards and established procedures prescribed and approved by the employer prior to the initiation of the testing policy. All positive results will be confirmed by retesting the sample using the second methodology.

Any associate with an alcohol and/or drug problem is encouraged to notify his or her supervisor for confidential referral to the Employee Assistance Program. If otherwise qualified, associate will be given a leave of absence to treat their problem and will return to their former employment (to the same or similar position) without any loss of seniority or rate of pay. Costs for licensed rehabilitation programs will be a shared responsibility of Fred Meyer through its existing medical benefits packages (providing the associate qualifies for insurance coverage) and the associate.

Fred Meyer**Management Procedures****Management responsibilities**

Due to the close association with his or her associates, managers/supervisors are extremely helpful in the early detection of alcohol and/or drug use. Supervisors are aware of associate attendance, the condition and appearance of associates on the job, and their work habits. The procedures discussed in this policy should be followed when an associate is suspected of using, transferring, or possessing alcohol, drugs, or controlled substances.

To ensure compliance with this policy, supervisors should:

- ◆ Be alert to the signs of alcohol and/or drug use among associates, particularly changes in normal behavior pattern (see the "Signs of drug use" section within this policy and refer to the "Alcohol and Drug Warning Signs" checklist in the *Alcohol and Drugs in the Workplace - Management Reference Manual* [M3735]).
- ◆ Interview suspected alcohol and/or drug users to get the problem out in the open—document the facts (refer to the "Alcohol and Drug Interview Outline" in the *Alcohol and Drugs in the Workplace - Management Reference Manual* [M3735]).
- ◆ Promptly refer cases (known or suspected). Stores should report cases to the Regional Human Resource Supervisors and Human Resources. Offices and warehouses should report cases to the department manager and Human Resources. Prompt referral may help prevent hopeless addiction or even loss of life. It may also help prevent the involvement of other associates in drug use.
- ◆ Cooperate with Human Resources in following up on associates under rehabilitation.
- ◆ Contact security immediately, if a visitor, vendor, Customer, or independent contractor is suspected of being under the influence of alcohol or drugs on Fred Meyer premises.

FredMeyer**Policy implementation**

A Fred Meyer Policy on Alcohol and Drug Use (D-795) poster must be posted on all associate bulletin boards. The following people are responsible for ensuring this is done:

| Location | Responsible Party |
|---|----------------------|
| Stores | Store Sales Director |
| Distribution and Retail Service Centers | Supervisors |
| Office | Department Manager |

Contact the Executive Assistant to the Group Vice President of Human Resources or the appropriate Regional HR Supervisor for the most current poster.

Management training

Fred Meyer offers a training program to all managers and supervisors. The program covers how to:

- ◆ Identify job performance standards to the associates they supervise
- ◆ Identify patterns of impaired behavior
- ◆ Explain the corporate policy on substance abuse
- ◆ Document incidents
- ◆ Refer associates to the Employee Assistance Program (EAP)

Managers or supervisors with questions about the training program should contact the appropriate department or individual.

| Location | Contact | Training Session Information |
|-------------------------------------|------------------------------------|---|
| Stores | Regional Human Resource Supervisor | http://fminfo.fm.kroger.com/retweb/courses/courses.shtml |
| Distribution/Retail Service Centers | Building Manager | Contact the DC operations manager. |
| Office | Department Manager | http://fminfo.fm.kroger.com/retweb/courses/courses.shtml |

FredMeyer**Five most common examples**

The following pages offer examples of what to do when an associate shows signs of substance abuse. Not all situations fit the following five examples—some may be a combination of two or more and some may not be similar to any of the following situations. In many instances, the supervisor can intervene by closely monitoring the associate's behavior and/or work performance and:

- ◆ Telling the associate how and when his/her performance or behavior was impaired or did not meet job standards.
- ◆ Making sure the associate understands the issue of performance.
- ◆ Making sure the associate understands the Company's policy on alcohol and drug use.
- ◆ Giving the associate the details of associate assistance services (EAP for salaried and non-union hourly associates; check with the union contract or HR for union associate coverage).
- ◆ Soliciting the associate's commitment to correct the problem.
- ◆ Documenting observations, interactions, and outcomes.

Supervisors finding themselves in uncertain situations should contact either their next level of management or Human Resources.

It is important to remember that whatever the situation, any information about an associate's actual or alleged substance abuse problem is extremely confidential and should be shared on a business ***need-to-know*** basis only. It is also important to make sure a signed copy of the *Fred Meyer Policy on Alcohol and Drug Use* is in the associate's file before taking action with an associate.

Example 1 - rumor of drug use

If a manager/supervisor learns through other sources (for example rumors) that an associate may have a substance abuse problem but has not witnessed any evidence to substantiate it, the manager should follow the procedure below:

| Step | Action |
|--------------------------------------|---|
| 1 | Check on the situation through personal observation; don't rely on second-hand information. |
| 2 | Review the warning signs of alcohol and drug abuse. |
| 3 | Document warning signs and poor work performance. |
| <i>Continued on the next page...</i> | |

FredMeyer**Signs of drug use**

One, several, or all of the following signs may indicate a high probability that an associate is regularly using alcohol or drugs:

- ◆ **Attendance patterns:** frequent Monday, post-holiday, and post-payday absences and frequent tardiness. The drug-dependent associate usually will have from six to eight times as much incidental absences per year as the normal associate
- ◆ **Job performance:** decreased reliability; erratic performance; tendency to put things off; neglect of details; blaming other associates for problems; desire for job changes; unexplained absence from an assignment
- ◆ **Frequent on- and off-the-job accidents:** these may be mostly minor, such as cuts, scrapes, bruises, or bumps
- ◆ **Personality changes:** moodiness, irritability, chronic complaints and gripes, giddiness, disinterest in work, reports of family or financial difficulty, and memory lapses

For more detailed information about early detection signs, consult the *Alcohol and Drugs in the Workplace - Management Reference Manual* [M3735]

Associate statements

New Associates - A *Fred Meyer Policy on Alcohol and Drug Use* form (M3050) is included in all new-hire packets. New associates must read and sign the statement to indicate that they are aware of and agree to abide by Company policy. The HRC or HRA should send the white copy of the statement to the Human Resource Department, place the yellow copy in the associate's personnel file at his or her location, and give the pink copy to the associate to keep.

Existing Associates - A signed statement must be on file for all existing associates. *If an associate transfers to another location, a new policy statement must be signed by the associate at the new location.* The associate's manager should send the white copy of the statement to the Human Resource Department, place the yellow copy in the associate's personnel file at his or her location, and give the pink copy to the associate to keep.

FredMeyer**Five most common examples**

The following pages offer examples of what to do when an associate shows signs of substance abuse. Not all situations fit the following five examples—some may be a combination of two or more and some may not be similar to any of the following situations. In many instances, the supervisor can intervene by closely monitoring the associate's behavior and/or work performance and:

- ◆ Telling the associate how and when his/her performance or behavior was impaired or did not meet job standards.
- ◆ Making sure the associate understands the issue of performance.
- ◆ Making sure the associate understands the Company's policy on alcohol and drug use.
- ◆ Giving the associate the details of associate assistance services (EAP for salaried and non-union hourly associates; check with the union contract or HR for union associate coverage).
- ◆ Soliciting the associate's commitment to correct the problem.
- ◆ Documenting observations, interactions, and outcomes.

Supervisors finding themselves in uncertain situations should contact either their next level of management or Human Resources.

It is important to remember that whatever the situation, any information about an associate's actual or alleged substance abuse problem is extremely confidential and should be shared on a business ***need-to-know*** basis only. It is also important to make sure a signed copy of the *Fred Meyer Policy on Alcohol and Drug Use* is in the associate's file before taking action with an associate.

Example 1 - rumor of drug use

If a manager/supervisor learns through other sources (for example rumors) that an associate may have a substance abuse problem but has not witnessed any evidence to substantiate it, the manager should follow the procedure below:

| Step | Action |
|--------------------------------------|---|
| 1 | Check on the situation through personal observation; don't rely on second-hand information. |
| 2 | Review the warning signs of alcohol and drug abuse. |
| 3 | Document warning signs and poor work performance. |
| <i>Continued on the next page...</i> | |

FredMeyer**Signs of drug use**

One, several, or all of the following signs may indicate a high probability that an associate is regularly using alcohol or drugs:

- ◆ **Attendance patterns:** frequent Monday, post-holiday, and post-payday absences and frequent tardiness. The drug-dependent associate usually will have from six to eight times as much incidental absences per year as the normal associate
- ◆ **Job performance:** decreased reliability; erratic performance; tendency to put things off; neglect of details; blaming other associates for problems; desire for job changes; unexplained absence from an assignment
- ◆ **Frequent on- and off-the-job accidents:** these may be mostly minor, such as cuts, scrapes, bruises, or bumps
- ◆ **Personality changes:** moodiness, irritability, chronic complaints and gripes, giddiness, disinterest in work, reports of family or financial difficulty, and memory lapses

For more detailed information about early detection signs, consult the *Alcohol and Drugs in the Workplace - Management Reference Manual* [M3735]

Associate statements

New Associates - A *Fred Meyer Policy on Alcohol and Drug Use* form (M3050) is included in all new-hire packets. New associates must read and sign the statement to indicate that they are aware of and agree to abide by Company policy. The HRC or HRA should send the white copy of the statement to the Human Resource Department, place the yellow copy in the associate's personnel file at his or her location, and give the pink copy to the associate to keep.

Existing Associates - A signed statement must be on file for all existing associates. *If an associate transfers to another location, a new policy statement must be signed by the associate at the new location.* The associate's manager should send the white copy of the statement to the Human Resource Department, place the yellow copy in the associate's personnel file at his or her location, and give the pink copy to the associate to keep.